

**Via E-mail**

January 13, 2020

Mr. Donald R. Schwer III, Enforcement Investigator  
United States Environmental Protection Agency, Region 5  
Superfund & Emergency Management Division  
Enforcement Support Section, SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: ***Response to Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Consent for Access to Property***  
BTL Specialty Resins Site  
3350 West 131<sup>st</sup> Street, Blue Island, Cook County, Illinois  
Site/Spill Identifier (SSID): C5JZ

Dear Mr. Schwer:

131<sup>st</sup> Street Holdings, LLC (“131<sup>st</sup> Street Holdings”) submits this letter and the enclosed exhibits in response to the United States Environmental Protection Agency (“EPA”) Request for Information pursuant to Section 104(e) of CERCLA (the “Request”) regarding the BTL Specialty Resins Site located at 3350 West 131<sup>st</sup> Street, Blue Island, Illinois (the “Site”). 131<sup>st</sup> Street Holdings received the Request on December 16, 2019 and obtained an extension to respond to January 13, 2020. This response is thus timely submitted.

By way of background, 131st Street Holdings has owned the referenced Site since October 26th, 2015 but has never operated the Site. 131st Street Holdings was unaware of the allegations regarding historic contamination and buried drums at the Site when it purchased the Site and, in fact, did not learn of such allegations until EPA’s April 11, 2019 communication to 131<sup>st</sup> Street Holdings. However, upon learning of the allegations, 131st Street Holdings obtained and provided to EPA information (from assessments conducted by prior owners) indicating that drums were not buried at the Site. In spite of receiving this information, EPA insisted on obtaining full access to the Site to conduct further investigations and provided a draft access agreement to 131<sup>st</sup> Holdings. 131st Street Holdings objected to the overly broad nature of that draft agreement.

Thus, by October 2019, I informed Mary Fulghum, Esq. of EPA that 131<sup>st</sup> Street Holdings was considering performing its own investigation at the Site. 131<sup>st</sup> Street Holdings maintained its objections to EPA’s broad request for access and soon thereafter retained a consultant to conduct

Heather.Richardson@thompsonhine.com Fax: 212.344.6101 Phone: 212.908.3998

Mr. Donald R. Schwer  
January 13, 2020  
Page 2

the Ground Penetrating (“GPR”) Survey that EPA had proposed. 131<sup>st</sup> Street Holdings’ immediately provided the results of its October 2019 GPR survey to EPA in the October 31, 2019 Report prepared by Carlson Environmental (the “GPR Survey Report”). Like the 2007 investigations performed by the prior owner, the GPR Survey Report concluded there was no evidence of drums or other waste buried at the Site.

Despite the investigation 131<sup>st</sup> Street Holdings performed and the additional data it provided, EPA continues to request information and broad access to investigate the Site. 131<sup>st</sup> Street Holdings objects to EPA’s Request in that some of the questions are unnecessarily broad and unduly burdensome. 131<sup>st</sup> Street Holdings further objects to EPA’s Request as unreasonable under the circumstances and unreasonable in light of the information and data 131<sup>st</sup> Street Holdings has already provided to EPA. Further, 131<sup>st</sup> Street Holdings continues to object to the broadness of EPA’s proposed access agreement for the Site. If EPA determines it still requires access to the Site after reviewing the enclosed response and documents, 131<sup>st</sup> Street Holdings agrees to enter into an access agreement with EPA for the purpose of assessing the Site as it relates to the allegations of illegal drum burial by prior owners of the Site.

Further, 131<sup>st</sup> Street Holdings objects to the listing of Reich Brothers, LLC as a named entity and Respondent in EPA’s Request and also objects to EPA’s statement that Mr. Jonathan Reich owns the Site. The Site is owned by 131<sup>st</sup> Street Holdings. Reich Brothers, LLC does not and has never owned or operated the site.

Nothing in this response shall be deemed an admission of fact or liability. 131<sup>st</sup> Street Holdings reserves all rights and defenses that may be applicable to this Request and reserves the right to supplement its response at any time. Subject to and without waiving these objections, 131<sup>st</sup> Street Holdings provides the enclosed response.

If you have any questions, please do not hesitate to contact me at 212-908-3998.

Very truly yours,



Heather Aley Richardson

Enclosure

cc: Mr. Jonathan Reich

---

**131<sup>st</sup> STREET HOLDINGS, LLC RESPONSE**  
**TO U.S. EPA'S CERCLA SECTION 104(e)**  
**INFORMATION REQUEST**

**1. Identify all persons consulted in the preparation of the answers to these Information Requests.**

Response to Request 1: Thompson Hine, LLP, outside legal counsel to 131<sup>st</sup> Street Holdings, LLC ("131<sup>st</sup> Street Holdings"), prepared this response in consultation with:

Jonathan Reich  
131st Street Holdings, LLC

Edward Garske  
Carlson Environmental, Inc.  
65 East Wacker Place, Suite 2210  
Chicago, Illinois 60601

Parker Schings  
GPRS Subsurface Scanning Solution

*Consultants to  
131st Street Holdings, LLC*

**2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.**

Response to Request 2: All documents consulted, examined, or referred to in the preparation of this response are enclosed, identified as Bates Nos. 131STREET000001-000121. These documents include the following:

1. October 4, 2019 Carlson Response to U.S. EPA, Bates Nos. 131STREET000001-000002
2. 2007 Weaver Boos Geophysical Report, Bates Nos. 131STREET000003-000034
3. October 31, 2019 Carlson Response to U.S. EPA, Bates Nos. 131STREET000036-000055
4. GPRS Equipment Info, Geode-Product Sheet, and UtilityScan Information, Bates Nos. 131STREET000056-000061
5. Site Photos (from prior to and during the GPR survey), Bates Nos. 131STREET000062-000106
6. GPR Scan Images, Bates Nos. 131STREET000107-000111
7. Additional Site Photos, including photos of locations with anomalies, Bates Nos. 131STREET000112-000121

**3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.**

Response to Request 3: 131<sup>st</sup> Street Holdings is not aware of any persons able to provide a more detailed or complete response to this Information Request or who could provide additional responsive documents.

**4. Did you request Weaver Boos Consultants to locate, identify or otherwise provide photographs of the test pits along the northwestern quadrant of the property as shown in the Weaver Boos Consultants, Figure 1, Geophysical Data Reference Map, dated 10-18-07 for Project No. 3029300-03?**

Response to Request 4: 131<sup>st</sup> Street Holdings requested that the prior site owner, JLM Chemicals, Inc., provide the information obtained by Weaver Boos at the Site. 131<sup>st</sup> Holdings' consultant, Edward Garkse also requested that JLM Chemicals, Inc. provide information obtained by Weaver Boos at the Site.

**If you answered yes to question 4 above, please provide all documentation of that request and any response to that request including any written communication to or from Weaver Boos or its subcontractors.**

Response: 131<sup>st</sup> Street Holdings objects to this request as overly broad and unduly burdensome. 131<sup>st</sup> Street Holdings also objects to this request to the extent it seeks information that may be protected as attorney-client communications.

Subject to and without waiving these objections, all documents obtained from the prior owner were previously provided to EPA. *See 2019-10-04 Carlson Response and 2007-11-02 Weaver Boos Geophysical Survey*, enclosed and identified as Bates Nos. 131STREET000001-000034. 131<sup>st</sup> Street Holdings and its requests to JLM Chemicals, Inc. were verbal and no further documentation regarding those requests exists.

**5. On what date(s) and time(s) did you or your contractor or subcontractor conduct brush clearing, mowing, grading, field work, excavation or other activities associated with the October GPR Report?**

Response to Request 5: 131<sup>st</sup> Street Holdings objects to this request to the extent it is overly broad, unduly burdensome, and beyond the scope of a reasonable request.

Subject to and without waiving these objections, 131<sup>st</sup> Street Holdings' contractor, Carlson Environmental, walked the Site at 10 a.m. on October 23, 2019. Carlson Environmental then retained a subcontractor, Alessio & Sons, to remove brush, clear debris, and grade the areas to be investigated at the Site. The brush removal, debris clearing, and grading activities occurred on October 28 and 29, 2019. These activities all occurred during normal business hours.

**6. Describe any work conducted to level the ground (i.e., grade the surface of the soil to a flat surface without any protuberances) at the area of the Site that was the focus of the GPR investigation.**

Response to Request 6: Alessio & Sons used bulldozers to grade the entire survey area that was the focus of the GPR investigation. EPA's October 16, 2019 proposed survey area was used as the focus for the GPR investigation at the Site.

**7. Identify any areas of the Site that were the focus of the GPR investigation that were not leveled in advance of the October 2019 GPR investigation and explain why the area(s) was (were) not leveled.**

Response to Request 7: All areas subject to the GPR investigation (which included all areas identified by EPA's proposed survey area) were leveled in advance of the GPR investigation.

**8. Provide all documents, data images and photographic images, including anomaly images, generated during October 2019 related to the Site including information or data related to soil, water (ground or surface), drums (ground or surface) and air quality and geology/hydrogeology at and about the Site, including geophysical surveys, ground penetrating radar, electromagnetic or magnetometer surveys, soil boring logs, geological reports, well logs, well locations, soil samples, and all sampling data including sampling locations of all such samples at the Site.**

Response to Request 8: 131<sup>st</sup> Street Holdings objects to this request as overly broad and unduly burdensome based on the nature of the GPR survey conducted at the Site.

Subject to and without waiving these objections, 131<sup>st</sup> Street Holdings did not encounter or find evidence of drums at the Site. All documents, data images, and photographic images, including anomaly images, generated during the October 2019 GPR survey are enclosed, identified as Bates Nos. 131STREET000036-000055 and 131STREET000062-000121.

131<sup>st</sup> Street Holdings did not collect data regarding soil, groundwater, or air quality conditions at the Site. The only work 131<sup>st</sup> Street Holdings performed at the Site were the clearing and grading activities and the GPR Survey. Thus, 131<sup>st</sup> Street Holdings does not have air quality data, soil boring logs, geological reports, well logs, well locations, soil samples, or any other sampling data to provide.

**9. Were any of the data images or photographic images, including anomaly images, generated or otherwise obtained during the site preparation for the GPR survey, during the GPR survey work, or during the Alessio & Sons excavation work at the Site, deleted or destroyed?**

Response to Request 9: No data images, photographic images, or anomaly images generated or otherwise obtained during the Site preparation, GPR survey work, or excavation activities performed by Alessio & Sons were deleted or destroyed.

**10. Did the GPRS Report, dated October 30, 2019, disclose all ground penetrating radar anomalies that were detected during the conduct of any GPR survey of the property conducted in October 2019?**

Response to Request 10: 131<sup>st</sup> Street Holdings objects to the word “property” as vague and ambiguous. The GPR survey was conducted on the survey area proposed by EPA on October 16, 2019, not the entire “property.”

Subject to and without waiving this objection, the GPRS Report dated October 30, 2019 disclosed all anomalies detected during the GPR survey at the Site.

**11. With respect to GPRS Report, Exhibit 2, provide the following data and associated latitude and longitude position locations including projection system used for each the following items:**

- a) the GPR data,**
- b) each anomaly screenshot,**
- c) each photograph, and**
- d) each numbered excavation included, cited or appended to the Exhibit 2, the October 2019 GPRS Report.**

Response to Request 11: 131<sup>st</sup> Street Holdings objects to this request as overly broad, unduly burdensome, and beyond the scope of a reasonable request. The GPS latitude and longitude positions of each photograph taken at the Site were not collected during the GPR survey.

Subject to and without waiving these objections, below are the coordinates for each anomaly (and, therefore, the approximate coordinates for each photo associated with an anomaly) identified in Exhibit 2. These data were collected using the Juniper Systems Geode Sub-Meter GPS Receiver. *See* Geode-Product Sheet, enclosed and identified as Bates No. 131STREET 000057-000058.

Anomaly 1:

Latitude- 41°39'24.03"N

Longitude- 87°42'24.66"W

Anomaly 2:

Latitude- 41°39'28.06"N

Longitude- 87°42'24.62"W

Anomaly 3:

Latitude- 41°39'28.82"N

Longitude- 87°42'24.65"W

Note that each anomaly numbered here corresponds with the order of the anomalies listed in Exhibit 2 (the first anomaly listed in Exhibit 2 is “Anomaly 1,” the second is “Anomaly 2,” and the third is “Anomaly 3”).

- 12. With respect to GPRS Report, Exhibit 3, provide the Global Position System (GPS) latitude and longitude position locations including projection system used for each of the following items:**
- a) the GPR data,**
  - b) each photograph, and**
  - c) each numbered excavation cited or appended to the in Exhibit 3 email from Bruce Shambino to Edward Garske dated October 31, 2019.**

Response to Request 12: 131st Street Holdings objects to this request as overly broad, unduly burdensome, and beyond the scope of a reasonable request. The GPS latitude and longitude positions associated with each photograph were not collected during the GPR survey, nor were specific latitude and longitude positions collected throughout the excavation activities.

Subject to and without waiving these objections, *see* Response to Request 11 for the latitude and longitude positions of each anomaly, which roughly correlate to the latitude and longitude positions of the photos associated with each anomaly and to the excavations conducted at each anomaly location, as well as information regarding the projection system used for GPR survey. Note that each numbered anomaly corresponds with each numbered excavation (the first anomaly presented in the GPR report is “Anomaly 1” and excavation 1 corresponds with Anomaly 1; Anomaly 2 corresponds with the second excavation; and Anomaly 3 corresponds with the third excavation).

- 13. Provide GPS latitude and longitude position locations including projection system used for each the following items:**
- a) any GPR data, and**
  - b) any photographs, screenshots or excavations created during the October 2019 GPR survey work at the Site that were not included in the GPRS Report dated October 30, 2019.**

Response to Request 13: 131st Street Holdings objects to this request as overly broad, unduly burdensome, and beyond the scope of a reasonable request. The GPS latitude and longitude positions associated with all GPR data, each photograph, screenshot, and specific excavation were not collected during the GPR Survey.

Subject to and without waiving these objections, *see* 131<sup>st</sup> Street Holdings Response to Request 11 and Response to Request 12.

- 14. Revise, as necessary for accuracy, the narrative descriptions in Exhibit 2, GPRS Report dated October 30, 2019, and, also in Exhibit 3, to reflect correct traverse directions based upon GPS latitude and longitude positions locations including projection system data.**

Response to Question 14: 131<sup>st</sup> Street Holdings objects to this request as overly broad, unduly burdensome, and beyond the scope of a reasonable request. The traverse directions and GPS latitude and longitude positions and projection system data were not collected for all photos



taken during the GPR survey that occurred on October 30, 2019. 131<sup>st</sup> Street Holdings also objects to the request to revise “narrative descriptions” in Exhibit 2 and Exhibit 3 as vague and ambiguous.

Subject to and without waiving these objections, *see* 131<sup>st</sup> Street Holdings’ Response to Request 11 and Response to Request 12 for the latitude and longitude descriptions associated with the anomalies identified in Exhibit 2 and roughly corresponding to the anomaly photos in Exhibit 2 and to the excavation photos in Exhibit 3.

**15. Provide GPS latitude and longitude positions locations including projection system locations for each anomaly identified in Exhibit 3 of the October 2019 GPRS Report.**

Response to Request 15: 131<sup>st</sup> Street Holdings objects to this request to the extent it is vague and ambiguous. Anomalies were not “identified” in Exhibit 3. Instead, Exhibit 3 depicts excavations of anomalies.

Subject to and without waiving these objections, *see* 131<sup>st</sup> Street Holdings Response to Request 11, identifying the latitude and longitude positions associated with the anomalies identified in Exhibit 2, which roughly correspond to the excavations identified in Exhibit 3.

**16. Describe, in detail, the GPR survey design for the GPRS Report dated October 30, 2019, including how the survey equipment and procedures were designed to locate metal drums or metal drum remnants in the Site soil conditions and at the appropriate depths.**

Response to Request 16: 131<sup>st</sup> Street Holdings objects to this request as overly broad and unduly burdensome. 131<sup>st</sup> Street Holdings also objects to this request to the extent it seeks information that may be protected as attorney-client communications.

Subject to and without waiving these objections, the October 2019 survey was designed utilizing the proposed survey area that EPA provided on October 16, 2019. After receiving the proposed survey area, 131<sup>st</sup> Street Holdings instructed its consultant, Carlson Environmental, to prepare for a GPR survey. On October 23, 2019, Carlson Environmental walked the Site and observed brush and debris that would obstruct a GPR survey. Thus, Carlson Environmental coordinated for Alessio & Sons to clear the Site. Carlson Environmental also retained GPRS Subsurface Scanning Solution (on behalf of 131<sup>st</sup> Street Holdings) to conduct the actual survey. After Alessio & Sons cleared the Site by removing brush and debris and grading the entire proposed survey area on October 28 and 29, 2019, GPRS Subsurface Scanning Solution used UtilityScan underground antenna equipment to perform the GPR survey on October 30, 2019. *See UtilityScan Equipment Information*, enclosed and identified as Bates Nos. 131STREET 000059-000061; *GPRS Equipment Information*, enclosed and identified as Bates No. 131STREET 000056. As EPA is aware, anomalies were discovered during the October 30, 2019 survey. Alessio& Sons thus returned to the Site on October 31, 2019 to excavate the anomaly areas. The



excavations uncovered pieces of metal (including pipes and various unidentifiable junk), but found no buried drums.

- 17. Identify date(s) of calibration, manner and parameters used for the calibration, include the type and model of antennas used to conduct the GPR survey at the Site. Include the frequencies, age(s) of the antenna(s) and other parameters that were used to calibrate the GPR instrumentation for the October GPRS report.**

Response to Request 17: 131<sup>st</sup> Street Holdings objects to this request as overly broad and unduly burdensome. 131<sup>st</sup> Street Holdings further objects to the term “GPR instrumentation” as vague and ambiguous.

Subject to and without waiving these objections, *see* Response to Request 16 for specific information regarding the equipment used to conduct the GPR survey at the Site. Additionally, GPRS Subsurface Scanning Solution’s equipment is approximately five (5) years old and was calibrated on-site on the day of the GPR survey, October 30, 2019. The equipment was calibrated twice during the GPR survey: once over soil and once over concrete because both surfaces were encountered during the survey.

- 18. If any of the documents including data solicited in this Information Request are no longer available, please state the reason why each document is no longer available. For every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then please identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide the following:**

- a) Respondents’ document retention policies;
- b) A description of how the records were destroyed and the approximate date of destruction;
- c) A description of the type of information that would have been contained in the documents;
- d) The name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still have the originals or copies of these documents; and
- e) The names and most current address of any person(s) who may possess documents relevant to this inquiry.

Response to Request 18: 131<sup>st</sup> Street Holdings objects to this request to the extent it seeks information that may be protected as attorney-client communications.

Subject to and without waiving these objections, all data and documents solicited by this Information Request are available. No documents or data were destroyed. *See* Response to Request 2 and the documents identified therein.